

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Indictment No.: 11 CR 683(S-2)(NG)

v.

**DECLARATION**

STEVENSON DUNN,  
LEE HYMOWITZ, and  
MICHAEL FREEMAN,

Defendants.  
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MAURICE H. SERCARZ, declares under penalty of perjury that the following is correct:

1. I am the attorney retained to represent Lee Hymowitz, one of the defendants named herein.
2. I make this Declaration in support of the motion (1) for an order dismissing Count Three of the Indictment; and (2) for an order severing the trial of Hymowitz and Freeman from the trial of the third defendant, Stevenson Dunn.
3. Annexed hereto as **Exhibit A** is a copy of the second superseding (S-2) Indictment.
4. Annexed hereto as **Exhibit B** is a copy of a letter filed together with the S-2 Indictment outlining the manner in which the S-2 Indictment alters the prior versions of the Indictment.
5. These changes to the Indictment give rise to the motion set forth in the annexed Memorandum of Law.

**Conclusion**

6. Accordingly, for the reasons set forth herein, and in the accompanying Memorandum of Law, it is respectfully submitted that the defendants' motion should, in all respects, be granted.

Dated: February 7, 2014

/s/Maurice H. Sercarz  
MAURICE H. SERCARZ